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clc96 000414

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II INTER-AMERICAN INDIGENIST CONGRESS

FINAL MINUTE

CUSCO - PERU

June 24th.- July 4th., 1949





II INTER-AMERICAN INDIGENIST CONGRESS

FINAL MINUTE

CUSCO - PERU

June 24th.- July 4th., 1949



X-ES1.155

#3

# The XIX International Congress of Americanists

*Meeting in affiliation with*

Section I of the Second Pan American Scientific Congress

The American Anthropological Association

The American Folk-Lore Society

The American Historical Association

The Archæological Institute of America

*At the United States National Museum*

*Smithsonian Institution*

FINAL PROGRAM

Washington, D. C.

December 27-31, 1915

X-E 58

#4

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PRIMERAS INVESTIGACIONES  
ACERCA DE UNA RAZA  
AMERICANA DESCONOCIDA

PRELIMINARY INVESTIGATIONS  
ON AN UNKNOWN  
AMERICAN RACE

Daniel Ruza

Mystic Americanism Series X-E 77

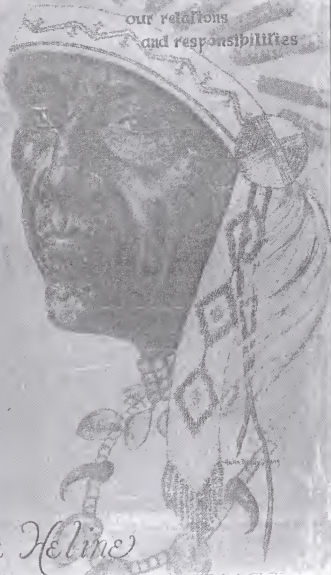
#5

# The American Indian

our relations  
and responsibilities



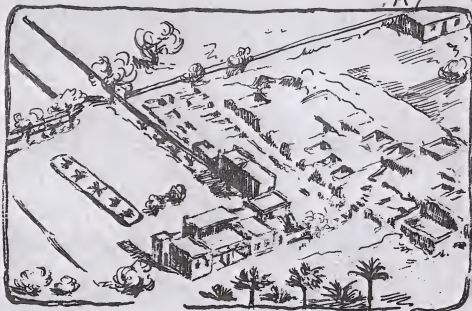
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25  
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by

Theodore Helme

X-E78 #6  
A7



# Pueblo Grande

PREHISTORIC MONUMENT, MUSEUM AND LABORATORY

ESTABLISHED AND DEDICATED  
TO PRESERVATION AND STUDY  
OF INDIAN CULTURE HISTORY

BY

THE CITY OF PHOENIX  
ARIZONA



X-E78  
C15  
#7

# WEST NOW the TRAILS



By

*Helen Steadman Hoque*



Indians of North America - Indian Territory.

X-E78

I 5

#8

## STAND TO THE COVENANT!

ii. Chron. xxxiv. 31, 32.

H. F. Buckner, D.D., writes\* to G. J. Johnson, D.D., in reply to his inquiry for his opinion of an article in the *Baptist Home Mission Monthly* on the "Oklahoma Bill":

I argue on general principles that any bill designed to subject these five civilized tribes to a territorial or state government, would be subversive of our design in removing them to this country; contrary to the express stipulations of all our treaties with them; dishonorable to our national character; disastrous to the peace and prosperity of the Indians; and against the best interests of the people of the Border States.

I. *What was the design of our Government in removing these Indians west of the Mississippi?*

(a) To allay the troubles which existed between them and the States, and between States and the General Government on their account.

These Indians then lived within the chartered limits of Georgia, and other Southern States. The General Government had, by former treaties, guaranteed them ample protection, but because they resided in States that wished to extend their laws over them, great disturbances arose between the whites and Indians, and even threatened the amicable relations between the General Government and some of the States.

\* *National Baptist*, May 6th, 1880.

X-E 78  
.I5

#9

A full index on page 103.

THE

PAMPHLET  
COLLECTIONS

CONDITION OF AFFAIRS

IN INDIAN TERRITORY

AND

CALIFORNIA.

A REPORT

BY

✓  
PROF. C. C. PAINTER,

AGENT OF THE INDIAN RIGHTS ASSOCIATION.

PHILADELPHIA:

OFFICE OF THE INDIAN RIGHTS ASSOCIATION,  
No. 1305 ARCH STREET.  
1888.

PRICE, 25 CENTS.

X-E 78  
.N7 #10

The  
STORY OF THE LONG ISLAND INDIANS  
by  
AUGUST KUPKA

X-E 78

.N8

#

11

==

**CONDITIONS  
AMONG THE INDIANS OF THE  
NORTHWEST COAST**

BY  
**SAMUEL A. ELIOT**

1915

*Unbound copy of "Conditions among the Indians of the Northwest Coast" by Samuel A. Eliot. 1915. X-E 78 .N8 #11*

X-E78

.O45

#12

~~SECRET~~

---

Report of the Dawes Com-  
mission Analyzed and  
Statement Sharply  
Controverted.

---

GOVERNMENT PRINTING OFFICE

X-E 78

.O45

# OUR NATIONAL PROBLEM

#13

THE SAD CONDITION OF THE OKLAHOMA INDIANS

By WARREN K. MOOREHEAD

*Member of the United States Board of Indian Commissioners*

X-E78

.W8

# LAKE MENDOTA INDIAN LEGENDS

#14

Prepared for the use of Students

University of Wisconsin

Summer Session

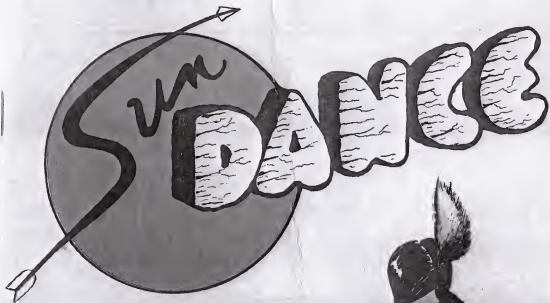


CHARLES E. BROWN  
Chief, State Historical Museum  
Madison, Wisconsin  
1927



✓ we saw  
the

X-E 78  
.W9 #15



By  
Sheila Hart  
and  
Vada F. Carlson



FIRST PUBLICATION 1948

X-E93

#16

## ADDRESS

ON

## THE INDIAN QUESTION,

DELIVERED BY

REV. H. A. STIMSON,

OF MINNEAPOLIS, MINN.

BEFORE THE

AMERICAN MISSIONARY ASSOCIATION,

At their Annual Meeting, Chicago, Ill., Oct. 29, 1879.

[Reported in the Minneapolis Tribune.]

The committee on Indian missions reported the following resolutions:

*"Mr. President and Brethren:* Your committee to whom has been referred that part of the report of the executive committee which concerns the American Indians, beg leave to report as follows:

"Another event has occurred, in what may surely be termed the Providence of God, to compel the attention of Christians to the condition of the Indians, and to our methods of dealing with them.

"Whatever may be said of the policy of the government, the fact is that the paroxysm into which the country is thrown at each new Indian outbreak, the perplexed uncertainty which is then manifested by our chief public officers, the conflict of orders which issue from the different departments of the government, the passionate demands which are then made for radical changes in our policy, and the general hopelessness of permanent improvement in the condition of the Indian, which that widespread demand indicates—these conspire to prove that, if not a fundamental change, at least a more intelligent aim is necessary in our method of dealing with these, the most perplexing of our national wards.

"In the hope of furnishing a basis of discussion, and of guiding the efforts of the Association in the new problems which are arising, your committee ventures to embody their suggestions in the form of a series of resolutions, which we present for adoption, if your wisdom approves them."

*Resolved,* That the aim of this Association shall be, as far as possible, and as rapidly as possible, to secure for the Indians

"a. A legalized standing in the courts of the United States.

"b. Ownership of land in severalty.

"c. The full rights of American citizenship."

These three things, we believe are essential if the Indian is to be, not Christianized or civilized, but saved from extermination.

*Resolved,* That to this end the members of this Association will do all in their power to make the Indian question a pressing question, until the attention of Congress is so secured and held to it that the legislative enactments necessary to bring about these changes be completely accomplished.

*Resolved,* That this Association most heartily indorses the plan of the Indian Bureau to secure to as many Indians as possible the advantages of education offered at such distant schools as that at Hampton and Carlisle; at the same time we believe that the system of boarding schools on the reservations, which for many years have been maintained by the government and the missionaries, is the chief educational agency that must be relied upon for bettering the condition of the Indian."

Mr. Stimson, the chairman of the committee, then spoke as follows:

I stand before you to speak upon the Indian question with an inexpressible sadness. The hopelessness of securing justice or mercy for the Indian oppresses me. I seem to hear the cry of the Pilgrim's saintly pastor when the news came to him across the ocean of their first fight with the natives of New Eng-

X-E93

#17

## A THRILLING RECORD.

---

"The United States Government never redresses any wrong until the people demand it. . . . Reach the heart of the people and these wrongs will end."—*Secretary Stanton.*

---

MAY, 1880.

X-E 93

#18

*Indian rights association.*

CONSTITUTION AND BY-LAWS

—OF—

✓  
THE INDIAN RIGHTS ASSOCIATION.

1883.

X-E 93

# 19

AN ACT

*To provide for the establishment of Courts of Criminal Jurisdiction upon Indian Reservations, to define their powers and the offenses of which they may take cognizance, to affix penalties to the commission of such offenses, and for other purposes.*

PREPARED BY

The Committee on Legislation and Legal Matters

OF

✓  
THE INDIAN RIGHTS ASSOCIATION.

---

PHILADELPHIA.

1316 FILBERT STREET, 418 WALNUT STREET.  
1884.

X-E 93

#20

THE  
INDIAN BEFORE THE LAW.

BY  
HENRY S. PANCOAST.

"My predecessors have frequently called attention to the startling fact that we have within our midst two hundred and seventy-five thousand people, the least intelligent portion of our population, for whom we provide no law, either for their protection or for the punishment of crime committed among themselves."—*Report of the Commissioner of Indian Affairs for 1876.*

"The Indian commands respect for his rights only so long as he inspires terror for his rifle."—*General Crook.*

PRINTED BY ORDER OF THE EXECUTIVE COMMITTEE OF  
THE INDIAN RIGHTS ASSOCIATION,  
1316 FILBERT STREET,  
PHILADELPHIA.  
1884.

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#21

VIOLATED PRINCIPLES THE CAUSE OF FAILURE  
IN INDIAN CIVILIZATION.\*

BY CAPTAIN RICHARD H. PRATT, U.S.A.,

TENTH CAVALRY.

I MAY say before I begin, that this is the first time I ever attempted to prepare a paper to read before an audience, and I have been somewhat nervous over it because of the fact that I am before so many who have had many more years of experience and observation with Indians than I have; but I give you my convictions, and I stand on them.

A somewhat large and varied experience in work among and for the Indians, has forced upon me convictions that the tardy progress in their civilization, as contrasted with the rapid advance of other of our peoples, is a standing rebuke to us as a nation. An inquiry into the causes which have hastened others forward, and held the Indians back, reveals that a few common-sense principles have been applied and brought wonderful success in the one case, and the same principles being refused or neglected to be applied have hindered in the other.

Just what is civilization and what is savagery in the make-up of the affairs of men, and where the one begins and the other ends, are questions not yet settled. There are, doubtless, many features of conduct and management among the highest civilized people that could be properly called savage, and there are doubtless features of management and conduct on the part of the most savage nations that might properly be called civilized. One writer says that "the permanent changes in the condition and arrangements of a man's life effected by his own intelligence and exertions, make up human civilization. It is the artificial half of the good we enjoy. Nature has given us so much; our own

\* Read before the MILITARY SERVICE INSTITUTION, December 10, 1885. General HANCOCK, President, in the chair.

GIFT

ANNA L. DAWES  
SEPT. 17 1936



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#22

✓  
OFFICE OF THE INDIAN RIGHTS ASSOCIATION,  
1316 Filbert St., Philadelphia, Pa.,

November 1st, 1886.

The following extract from the columns of the *New York Times*, of October 15th, is reprinted for the information of the friends of the Indians :—

## TO HELP THE INDIANS.

### IMPORTANT RESOLUTIONS PASSED BY THE CONFERENCE.

LAKE MOHONK, N. Y., Oct. 14.—At the opening of the Indian conference to-day, Mr. Garrett reported from the Business Committee the following resolutions :—

*Resolved*, That the public and private utterances of President Cleveland, expressing his interest in securing justice, education, and ultimately citizenship, for the Indians, and such wise and courageous acts of the present Administration as the revoking of the order opening to white settlers the Crow Creek Reservation and the ejectment from Indian lands of illegal occupants and armed intruders, have the unqualified approval of this Conference.

*Resolved*, That the efficiency of the Indian service depends almost entirely upon the personal fitness and experience of the inspectors, agents, teachers, and subordinates, who are brought into immediate and personal relations with the Indians.

*Resolved*, That under previous Administrations the uncertain tenure of place on the part of Indian agents has interfered materially with the work of civilizing the Indians.

*Resolved*, That since this Conference is credibly informed that within the last two years new appointments of agents have been made at about four-fifths of the agencies, while very generally changes have been made in subordinates and teachers, and that since many of the most experienced men in the service have thus been lost, the friends of the Indians must regard with solicitude the continuance of a system of appointment and removal which has not shown itself, under either party or under any Administration, adapted to secure the best results.

✓ *Resolved*, That this Conference earnestly recommends the immediate application of the principles of civil service reform to the entire Indian service, with such extension or modification of the present laws and rules as may be necessary to secure the end in view.

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#23

✓  
THE  
Women's National Indian Association.

REPORT  
OF  
MEMORIALS TO GOVERNMENT.

*November, 1885, to November, 1886.*

1112 GIRARD STREET, - - PHILADELPHIA, PA.

X-E 93

#24

## REMARKS

MADE AT A MEETING IN CAMBRIDGE, MASS.,  
CALLED BY THE WOMEN'S INDIAN ASSOCIATION  
OF THAT CITY, MAY 3, 1886,

BY

JAMES B. THAYER,  
PROFESSOR OF LAW AT HARVARD UNIVERSITY.

Those who have had in charge the preparations for this meeting have asked me to represent them in introducing to you the speakers of the evening. I have willingly consented, for I am glad of the opportunity to express a hearty approval, not only of the general purposes of the Indian Associations, lately formed here, but especially of the particular purpose which has led to this meeting, namely, that of urging forward the legislation which is now in progress at Washington, intended to secure to all Indians living on reservations the chance to take a share of the tribal lands in severalty and to become, when they do this, citizens of the United States.

Persons of no mean authority as lawyers, thought, after July, 1868, when the XIV amendment was passed, that all native Indians in this country had become citizens. But since the decision of the Supreme Court of the United States two years ago, in *Elk v. Wilkins* (112 U. S. 94), that opinion must be laid aside. I suppose that that decision was a sound one; but it shows that there still remains in this country, to use the language of a judge of the Supreme Court in dissenting from the opinion, "a despised and rejected class of persons."

"Despised and rejected"! There are those to whom that phrase of ancient prophecy comes home with a profound impression. They remember of whom it is said, "He is despised and rejected of men." And they remember also, and would not forget them if they could, those other words: "Inasmuch as ye have done it unto one of the least of these my brethren ye have done it unto me." This Indian question is not merely a grave matter of law and administration; it touches more and more the moral sense of the nation. It is addressing the women of the country,—the keepers of the public conscience; it is recalling to the field of public duty the veterans of the anti-slavery contest; it is touching the generous sensibilities of our brethren at the South; and is kindling in many of the younger generation, in all parts of the country, the purpose of helping to set this matter right.

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## REMARKS

MADE BEFORE THE WORCESTER INDIAN ASSOCIATION  
AT WORCESTER, MASS., FEBRUARY 13, 1887,

BY

JAMES B. THAYER,

PROFESSOR OF LAW AT HARVARD UNIVERSITY.

Who and what are these Indians that we are talking about? They are a set of people who are in a very anomalous civil, political and legal condition. They are not citizens. They are not foreigners. They are not slaves. They are not cattle.

They are human beings; that is, they are persons who are recognized as capable of having legal rights and of coming within the pale of our political organization and being citizens. A good many Indians are citizens today. But they are not the ones whom we come here to talk about. It is the mass of tribal Indians living on reservations that we are concerned with, a body of people who hold their lives, liberty and property today at the mercy of Congress and of the agents whom it sees fit to appoint; over whom our system permits the exercise of arbitrary power. A strange statement, but true. A state of things exists as to them which is very remarkable indeed, one which is absolutely repugnant to our free and democratic system of government. Before the war we had two of these anomalous classes of persons in the country, slaves and Indians. One of these has gone, the slaves. But the other remains.

Now, how can it be that such a state of things exists? How came it about? And what are we to do about it? Let me try to answer these questions, not, perhaps, formally and in order, but in such a way, I hope, as to be intelligible.

1. I said just now that there are different classes of Indians. What we call the "Indian question" relates only to a particular class of them, although it comprises far the larger part.

We must discriminate. (a) There are tribal Indians now in this country who are and have been for many years citizens of the United States. It has been judicially declared in the Territorial courts of New Mexico that the Pueblo Indians are of this class, *e. g.*, the Zunis, who were here a few years ago. They came in by the treaty with Mexico, and, as being before that citizens of Mexico, became by the terms of the treaty citizens here. "By solemn treaties," said Judge Curtis in the Dred Scott case, "large bodies of Mexican and North American Indians . . . have been admitted to citizenship of the United States." And by virtue of the fifteenth amendment, since March, 1870, their right to vote cannot be "denied or abridged by the United States or by any State on account of race or color."

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OUR NEXT DUTY  
TO THE INDIANS.

BY

JAMES E. RHOADS.

PHILADELPHIA:  
INDIAN RIGHTS ASSOCIATION,  
No. 1316 FILBERT STREET.  
1887.

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#27

THE

✓  
Women's National Indian Association.

ADDRESS OF THE PRESIDENT

—ON—

CURRENT INDIAN LEGISLATION,

WORK NEEDED, ETC.

November 30, 1887.

—PHILADELPHIA, PA.—

ROYAL PRINTING COMPANY, N. E. COR. TENTH AND FILBERT STS., PHILADELPHIA.

X-E 93

#28

✓  
The Women's National Indian Association

# REPORT

ON

## INDIAN HOME-BUILDING.

NOVEMBER, 1887.

HARTFORD:

THE FOWLER & MILLER COMPANY, PRINTERS, 341 MAIN STREET.  
1888.



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— THE —  
✓  
Women's National  
Indian Association.

— REPORT —

— ON —  
INDIAN HOME BUILDING.

November, 1888.

X-  
The following Platform was unanimously adopted at a Meeting held in Musical Fund Hall, in Philadelphia, Penn'a, March 26th, 1892.

HON WM N. ASHMAN, *Chairman*.

*Secretaries*—HERBERT WELSH, H LAUSSAT GEYELIN, FRANCIS FISHER KANE.

**S P E A K E R S :**

SENATOR R. F. PETTIGREW, S. D.

REPRESENTATIVE C. H. MUNSUR, Missouri,

REPRESENTATIVE MARRIOTT BROSIUS, Pa.,

THOMAS LYNCH, Kansas,

Right Rev. E. TALBOT, D. D., Idaho.

1. That all Indians born in the United States be regarded in the same light as all other native born citizens, allowed the same privileges, encouraged to mix among our people, and to join all our industries.
2. That in view of this position the reservation and tribal life must be discouraged and abandoned as soon as practicable. Those tribes who are still in a barbarous condition should be approached with a kind but a decided understanding that their children must be educated, both by books and work. The United States will no longer permit savagery in its midst. The safety of the nation demands that all its inhabitants be educated and industrious, and accordingly if the Indians, after due persuasion, are unwilling to place their children in school they shall be compelled to do so.
3. The Indians shall not be forced to leave their homes or to exchange good land for bad. But, as it is unwise to permit any people to live as a separate nation within our borders, those Indians now living on lands which they do not cultivate or use for any but roving purposes shall be approached, and by every proper means induced to sell such portions of their territory as are not necessary for their own subsistence or the development of their best interests. The Government in making such purchases shall endeavor to buy alternate portions so that white settlers may be intermixed with the Indians, and both shall be free to enjoy the same School, Church, and other privileges.
4. That the Indian race has shown its capability of attaining a high degree of civilization and learning by the facility with which they acquire all branches of knowledge. The reports from all Indian educators are that they are docile, quick to attain knowledge, retentive of what they learn. In all schools and colleges where they have been, the universal testimony is that they equal any in ability and fondness for study; In the Fine Arts, as Music and Drawing, in Manual and Mechanical Arts, the Indians have shown decided facility. Therefore it is both necessary and just that proper school opportunities be provided for them. Schools, therefore, should be established wherever there is a sufficient number of children to warrant so doing; and the present system of Government Education should be extended until provision has been made for all Indian children. Indians should be encouraged to send their children to non-reservation schools, and as far as possible to the public school of the country, so that they may mingle with white children and learn by association personal experience and example, the value of the habits and customs of civilization.
5. That by the present ration system the Indians have but little idea of the value or use of money. As soon, therefore, as any tribe or portion of a tribe now receiving rations or clothing shall be so situated that they can live by their own exertions and purchase their own food and clothing, the amount due to them from the Government shall be paid to them per capita, in money, so that they may learn its use and value by personal experience.
6. That legal marriage ceremonies shall be insisted on: that no man or woman shall be permitted to have more than one wife or husband: that the laws of consanguinity be taught and enforced so that marriages shall not be allowed between those connected by close blood ties, such as sister, brother, aunt, uncle, mother or father.—That no girl shall be sold for Ponies or any other consideration.
7. That we most earnestly condemn the exhibition of Indians in their savage costumes and customs, interesting and attractive as these may be to the young they are demoralizing to both actors and audience; especially does it tend to make the Indians cling to their old ways and think them of great importance.
8. That the policy pursued in the past of keeping the Indians by themselves, and out of contact with civilization, has been a decided failure. We therefore advocate the mingling of the whites and Indians as neighbors, especially as there is no class prejudice between them, and as no foreign nation could make good Americans if they were permitted to live in seclusive communities and not mingle with the body of citizens, so the Indian tribes will never become a portion of our commonwealth unless they are induced to live among us, and their children allowed to associate with ours in their daily walk in life.
9. That, as it may be impossible to carry out all the features of this platform immediately, we would ask Congress to take these points into serious consideration and base legislation upon them. To further this purpose we would respectfully ask each member of both Houses to read this platform carefully, and to use his own individual influence to carry out the principles set forth herein at as early a date as possible. In the meantime let the older Indians be made to understand, in every possible way, that no stumbling-blocks are to be put in the way of education or industrial training for their children, either in the East or the West.
10. Great care should be exercised in the selection of competent and experienced persons to act as Indian Agents and other employees in the Indian service, and to this end the principles of the merit system of appointment, already extended in part by the present administration, should be made to cover all appointments.
- 93

*National Indian Association.*

✓  
THE  
WOMEN'S NATIONAL  
INDIAN  
ASSOCIATION.



OUR WORK—

What?

How?

Why?

JANUARY, 1893.

PUBLISHED BY THE EXECUTIVE BOARD.

X-E93

#31

X-E93

#32

*Address in Maumee Valley Pioneer Association*

---

RELATIONS AND EXPERIENCES  
OF  
WHITES AND INDIANS  
ON THE AMERICAN CONTINENT:

As presented in Address to the Maumee Valley Pioneer Association,

ANTWERP, OHIO, AUGUST 17, 1893.

BY CLARK WAGGONER.

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X-E 93

#33

[No. 23.—SECOND SERIES, 3000.]

✓  
INDIAN RIGHTS ASSOCIATION,  
1305 ARCH STREET,  
PHILADELPHIA, April, 1895.

### Civil Service Reform Essential to a Successful Indian Administration.

An address delivered at a parlor meeting held at the house of Miss Mary Coles, Philadelphia, March 25th, 1895, in the interest of the Indian Rights Association, by its Washington Agent, Mr. Francis E. Leupp.

Of the entire Civil Service of the United States no branch stands in more urgent need of a strict merit system of appointment and tenure of office than the Indian Service; but in none is the spoils system more firmly entrenched. One reason why this is so is that the Indian field service is scattered over a wide area of country and distributed among a number of States and Territories, each agency and reservation constituting, as it were, a little separate leasehold kept in feudal subjection to the political leaders of the Commonwealth in which it is situated. For generations past, although the real needs of the service have been known to the whole American people, the Indian question has been considered rather as a thing apart from the common interests of the inhabitants of the Union east of the Mississippi River, and has been left to work itself out in the same happy-go-lucky fashion which, until lately, has characterized the gradual solution of other great political and economic problems confronting our so-called popular Government. In other words, the bulk of the people have recognized the existence of an organized minority known as politicians, and to this minority has been left, almost without restraint, both the formulation and the execution of the Government's Indian policy. Even in cases

*Indians of North America - Citizenship*

# Indian Citizenship Day,

FEBRUARY, 8, 1900.

The • Thirteenth • Annual

CELEBRATION

—OF THE—

## Signing of the Dawes' Bill

which, on February 8, 1887, conferred upon the Indians  
the right to land in severalty and to  
United States Citizenship.



Winona Lodge.

~~X-E 78~~

X-E 93

#34

X-E 93

#35

[No. 77—Second Series—5000]

✓  
INDIAN RIGHTS ASSOCIATION,  
709 PROVIDENT BUILDING, PHILADELPHIA, MAY 25, 1907.

## A BRIEF STATEMENT OF THE INDIAN RIGHTS ASSOCIATION,

### ITS OBJECTS, METHODS AND ACHIEVEMENTS.

The Association is a non-political, non-sectarian body of public-spirited men and women. It was organized in Philadelphia, December 15, 1882, as a result of a visit of Messrs. Henry S. Pancoast and Herbert Welsh to the Sioux Indians, by about thirty gentlemen, who met in response to an invitation from the late Hon. John Welsh—

"to take into consideration the best method of producing such public feeling and Congressional action as shall secure to our Indian population civil rights and general education, \* \* \* and in time bring about the complete civilization of the Indians and their admission to citizenship."

As defined by its constitution, the object of the Association is "to secure to the Indians of the United States the political and civil rights already guaranteed to them by treaty and statutes of the United States, and such as their civilization and circumstances may justify." In the beginning of its work, to quote from a recent annual report, "the civilized Indian was the exception rather than the rule. The brutal expression 'the only good Indian is a dead Indian' seemed to represent the prevailing sentiment of the time. The country over which the red man roamed was sparsely settled. Outbreaks were taken as a matter of course, and comparatively little attention was paid to his rights or wrongs. Ignorance concerning the Indian and his affairs was dense and widespread. When the tide of emigration swept westward, and settlers, good and bad, began crowding the Indians more and more conditions materially changed. It was evident that wise measures should be adopted, whereby the Indian could be adapted to his new environment, and eventually become a part of it. To accomplish this it was necessary that public sentiment should be aroused by a vigorous agitation. \* \* \* It was also necessary to secure an accurate knowledge of actual conditions, which could only be done by frequent visits to the Indian country. This information then had to be brought to the attention of the public in order to exert a sufficient pressure upon Congress and the Executive to secure prompt and reasonable attention. This was done by the dissemination of information obtained through the medium of pamphlets and leaflets and through the columns of the public press. The work progressed slowly



X-E 93

#36

UNITED STATES DISTRICT COURT — WESTERN  
DISTRICT OF NEW YORK

UNITED STATES OF AMERICA *ex rel.* JOHN D. LYNN *against*  
FREDERICK W. HAMILTON AND OTHERS

Habeas corpus to inquire into the legality of the arrest and imprisonment of Wilford Kennedy and Nelson Hare, charged with violation of the Conservation Law of the State of New York. Upon the hearing the relator appeared by George P. Decker, Esq., and the respondents by A. F. Jenks, Deputy Attorney-General. After hearing oral arguments, the court held the case to enable counsel to prepare and file with the court written briefs on the law questions involved. The Attorney-General having reached the conclusion that the prisoners should be discharged, has prepared the following memorandum to be filed with the other papers herein.

GENERAL STATEMENT

Wilford Kennedy and Nelson Hare are Indians by blood and members of the Seneca Nation residing on the Cattaraugus Reservation located in the counties of Erie and Cattaraugus in the State of New York. These Indians were arrested April 21st, 1915, by Leon W. Paxon and Albert Stadelmeir, State Game Protectors, while fishing with a net in Cattaraugus creek and within the boundaries of the Cattaraugus Reservation, and were charged with fishing with a net, or seine, without a license, and in violation of section 176 of the Conservation Law of the State of New York. While said Indians were being arraigned before Chief Justice William Brennan in the City Court of Buffalo, a writ of habeas corpus was sued out at the instance of the United States Government to test the legality of the arrest and imprisonment. The facts, as above outlined, are undisputed.

The precise question is whether the Conservation Law of the State of New York extends to Indians maintaining their tribal relations and residing upon an Indian reservation within the limits of the State.

The status of Indian tribes and their relation to the Federal and State governments have frequently been subjects of judicial

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# Indian Primer

**The outstanding facts about the condition  
and treatment of American Indians  
today; their civil rights; and  
a program of remedies.**



Committee on Indian Civil Rights  
of the

✓ AMERICAN CIVIL LIBERTIES UNION

100 Fifth Avenue  
New York City

August, 1932.

Indians of North America - Government Relations

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American Missionary Association

Central Office :

287 FOURTH AVENUE, NEW YORK

What the White  
Man Owes the  
Indian

—  
✓  
REV. ROBERT HALL

Eastern District :      Western District :  
615 Congregational House    158 LaSalle Street  
Boston, Mass.                  Chicago, Ill.

Pacific District :  
21 Brenham Place, San Francisco, Cal.

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✓  
RIGHTLY SOLVING THE PROBLEM.

OUR NATIONAL PROMISES TO INDIANS.—Our Government has made nearly 900 treaties with the Indians during the last century, and our Constitution declares that:—

"All treaties made under the authority of the United States shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the law or constitution of any State to the contrary notwithstanding." In these treaties the Indian tribes are uniformly acknowledged to be "nations," a "treaty" indeed being "a compact between independent communities, each party acting through the medium of its government."

These treaties promise the "payment of annuities due;" that their territories "shall never be invaded by any individual, State, or by the United States," but shall be a "permanent home" to "remain theirs forever;" that "their property shall never be taken from them except in war duly authorized by Congress," and also that education shall be given to Indian children.

HAVE WE KEPT OUR COVENANTS?—In less than a half century we had broken scores of Indian treaties. They have seldom, if ever, been kept. Says Bishop Whipple: "I have asked scores of brave officers who have grown grey in the service if they knew of a single instance where Indians have been the first to break the treaty, and they have always answered, No."

In 1828 we gave the Cherokees "solemn guaranty of their lands forever;" ten years afterwards, at the request of Georgia, 60,000 of them were driven from their homes and tilled acres, before the army, with great loss of property and also of one-fourth their number, many hundreds of miles into an unknown wilderness.

In 1876 seven hundred Poncas were thus robbed and driven fifty-five days' march away from their own home, losing more than 150 of their number in less than a year, from changes and conditions which only the strongest could survive.

In 1878 a remnant of the Cheyennes, having been thus driven to a new home, and having been compelled by starvation to attempt returning to their former home, were pursued, captured, and for five days in a Dakota prison, in mid-winter without food or fire, suffered till their chief, maddened by the long torture, attempted suicide, his wife finishing the deed for his sake, and then taking her own life. A few others of these captives escaping, were again pursued by soldiers, overtaken in a narrow cañon, and there killed or re-captured.

Four times within a century have the Stockbridges and Delawares suffered the horrors of "removal."

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## THE REAL INDIAN QUESTION.

THE question underlying all others pertaining to the Indians within our national borders at present is, *Have they a moral and legal right to the lands known as Indian Reservations which they now hold in possession?* If these lands are really theirs, not ours, then what shall be done with these lands and their occupants is a question for them to decide, and not for us, except at their request or with their full and free consent.

Are these lands theirs? Let us candidly examine this question since the righteousness of our dealing with the Indians,—a matter of infinitely greater importance to us than all the money values involved,—depends upon its just answer. *Are the lands theirs?* With no dishonest reticence or thievish evasion, history tells us that when the first European explorers landed upon American shores the forefathers of these Indians had already had immemorial occupancy here and then held peaceable possession of the continent; and every reader of Blackstone and other legal authorities knows that *the right of occupancy is the best title known, and the only original foundation of every other title.* The people of Ohio and Connecticut, for example, now hold their lands “by the right of occupancy only, commenced by purchase from the aboriginal possessors.”\* In defending our own land titles, therefore, we are, morally and legally, defending those of the Indians.

A second proof, added to that of original occupancy, of the justice of Indian claims is found in our national records. *In nearly 900 treaties our Government, from the first days of the Republic, has acknowledged the moral and legal right of the Indians to lands claimed by them in the fact of purchase from them, and of purchase by treaty, these treaties being declared by our first Presidents and best statesmen, some of them indeed being the framers of our Constitution, to be of “supreme authority,” and binding on all judges and interpreters of law.* Further: These treaties according to international law acknowledge that the Indians are “nations,” treaties being possible only between “independent communities, each acting through its legislative au-

\* Jeremiah Evarts, father of Secretary Evarts. Indian Essays, p. 10.

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\* Joreniah Everts, father of Secretary Everts. Indian Essays, p. 10.

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## A Plea for the Papoose. ✓

An Address at Albany, N. Y., by Gen. T. J. Morgan,

U. S. COMMISSIONER OF INDIAN AFFAIRS.

"Sporting through the forest wide;  
Playing by the water side;  
Wandering o'er the heathy fells;  
Down within the woodland dells,  
All among the mountains wild,  
Dwelleth many a little child."

We are all interested in babies, for the obvious reason that we have all been babies ourselves. Babies in general are well cared for in America. They are born into the civilization of the nineteenth century and are literally "heirs of the ages." By our laws for the transmission of property; by the munificent school system which has been devised for the training of the young; by a thousand and one influences of home, school and church; by the fostering care of our free institutions, as well as by the unexampled opportunities afforded in this new country, the most fortunate class of beings upon the face of the earth are the American babies. Everything is theirs and they have only to reach forth their hands, show themselves capable and ready, and place, power, fortune, culture, all that men hold desirable, is at their command.

The one exception to this happy state of things is found in the papoose; for the Indian baby, although an American, is not born into the same environment that so happily surrounds his little white fellow-countrymen. The children of all other nationalities (save the Chinese), Poles, Hungarians, Greeks, Italians, Africans, are born free and equal on American soil, and may claim the inestimable rights and privileges of American citizenship; but, inconsistently enough, the children of the North American Indians are ex-

Indians of North America - Citizenship



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## INDIAN COURTS BILL.

### I. GENERAL EXPLANATIONS.

### II. NOTES UPON THE DIFFERENT SECTIONS.

#### I.

(1.) The main part of this bill (secs. 3-11 inclusive) provides for courts and a system of law upon the Indian reservations. The power to do this is found, —

1. As regards reservations in the Territories, in the ample authority of Congress over the Territories. In the language of the Supreme Court of the United States (Waite, C. J.), in *National Bank v. Yankton*, 101 U. S. 129, 133, "Congress may legislate for them [the Territories] as a State does for its municipal organizations. . . . Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the United States, except such as have been expressly, or by implication, reserved in the prohibitions of the constitution."

2. As regards the reservations in both the Territories and the States, this power is found in the authority of Congress to regulate commerce with the Indian tribes, and especially in the power, which must exist somewhere, and which cannot, consistently with the general control of the Indians by Congress, exist anywhere else than in the federal government, to maintain civil order among the Indians, and to administer their affairs when, owing to the decay of their native laws and customs, they are no longer able to administer them for themselves. This power was asserted and enforced in 1885, in *U. S. v. Kagama* (118 U. S. 375), where the precise question was raised of the full power of the United States to legislate for Indians on a reservation within a State. The Supreme Court of the United States (Miller, J.) there says (pp. 383-385, — the italics are those of the court): "These Indian tribes *are* the wards of the nation. They are communities *dependent* on the United States. . . . They owe no allegiance to the States, and receive from them no protection. Because of the local ill-feeling, the people of the States where they are found are often their deadliest enemies. From their very weakness and helplessness, so largely due to the course of dealing of the federal government with them, and the treaties in which it has been promised, there arises the duty of protecting, and with it the power. This has always been recognized by the Executive and by Congress, and by this court whenever the question has arisen. . . . The power of the general government over [them] . . . is necessary to their protection as well



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## THE INDIAN COURTS BILL.

THE importance of the bill now pending in the Senate to establish courts and laws for the Indians cannot be overestimated. If its results prove those which its projectors hope, it will make a final settlement of the entire Indian question, and at last remove what has so long been a standing reproach to our civilization. The Indian is now in a position of great danger. The effect of the so-called Dawes bill has been to confer upon him liberty without protection, citizenship without law, and property without experience or defence. An admirable measure so far as it went, the Dawes bill, if not supplemented by protective legislation, will leave this last state of the Indian worse than his first.

Although his situation is so critical, it cannot be said that the prospects of the bill are bright. Introduced by Senator Dawes, it was referred by him to a sub-committee consisting of Messrs. Platt of Connecticut, Morgan of Alabama, and Jones of Arkansas. Several hearings had been had upon the subject, and the only objection seriously urged to the bill, other than objections of mere detail, is that of expense. It is true that the proposed measure has also been termed too complicated, but no one has yet been able to propose a simpler measure that would be of any value. The bill was prepared by some of the most eminent counsel in New York, Boston, and Philadelphia; among whom it is sufficient to name Professor James B. Thayer of the Harvard Law School, Judge Lowell, Ex-Mayor Prince, Austin Abbott, LL.D., of New York, and the legal committee of the Indian Rights Association. It has also been revised and approved by Gen. Clinton B. Fisk, President Gates of Rutgers College, and William McMichael of New York, all of the Board of Indian Commissioners. It is approved and advocated by Prof. Francis Wayland, Dean of Yale Law School, Dr. James E. Rhoads, Herbert Welsh, Philip C. Garrett, Maj.-Gen. George Crook, and by the Indian Rights Association, Boston Indian Citizenship Committee, and Massachusetts Indian Association. In fact, all the Indian associations give the bill hearty support, so far as heard from.

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*Indians of North America - Citizenship*

*A very important case*

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In the United States Circuit Court,

DISTRICT OF NEBRASKA.

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JOHN ELK  
vs.  
CHARLES WILKINS. } Argument for Plaintiff.

✓  
A. J. POPPLETON AND JNO. L. WEBSTER,

Attorneys for Plaintiff.

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S. REES, Printer and Blank Book Manufacturer, Omaha.

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## RECOMMENDATIONS

[From Senate Report 310, "Partial Report from the Committee on Indian Affairs,"]

1. Do not fill vacancies that may occur in the staff of the Indian Bureau unless the position is one which is necessary to carrying on the process of elimination, in which case the vacancy may be filled by transfer within the Service, of some employee who came into the Service in a legitimate way and according to the regulations of the Civil Service Commission. Annual savings, indeterminate, but actual.
2. Permit all Indian Service employees whose services in the Bureau are not immediately needed, to seek employment elsewhere, and, so far as possible, assist them to transfer to other Government employment in the interest of national defense and the prosecution of the war in which we are engaged. Annual savings, intangible.
3. Refuse Federal financing in any form or degree to conferences of field and central office employees in the Indian Bureau. Such conferences have been so continuously frequent that they have come to be taken as a matter of course. They are expensive of time and funds far beyond their value in returns. Annual savings, indeterminate but actual.
4. Eliminate surveys by the Indian Bureau. It has acquired the survey habit during the past 10 years. Survey is an interesting recreation, albeit expensive, whether it consists of a junket of specialists from Washington or a mixed group from office and field. Some of the experts made TCBLA [Technical Cooperation Bureau of Indian Affairs] surveys while waiting for something to do. It was unfortunate because they were numerous and voluminous and cluttered up the offices and were not of sufficient value to send to the Archives. Many surveys by the Indian Office have required numerous high-priced specialists with many attendants from the office and from the field. Annual savings, indeterminate but actual.
5. Eliminate research and studies as carried on by the Bureau. The Indian Bureau type of research is mainly done by preferred employees who get into the service to research for their doctor's thesis at Government expense. Research in the Bureau was initiated with \$100,000 secured from private foundations for research in Indian education. It was used to employ desirables who did not have civil-service status, to do the work which, if done at all, should have been done by the regular employees. The latest of these studies is now going on--Indian Personality and Response to Authority, it is called. Conducted in cooperation with the University of Chicago, it is now in its second year. It also requires the holding of expensive conferences like the one at Santa Fe last spring, but it is more expensive in that it occupies time and effort of the field personnel in the areas in which it is operating. Annual savings, indeterminate but actual and considerable.
6. Eliminate all supervisors, directors, and coordinators in the central and regional offices, except such as may be needed in transferring functional activities to the States or other agencies. Perhaps the supervisor of public-school relations and the educational field agents under his direction would constitute the only exceptions. Savings, actual, since

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## The Women's National Indian Association.

The attention of Secretaries and other officers of the Auxiliaries, and their Branches, of ~~The Women's~~ National Indian Association, is called by the Executive Board to the three following announcements:

1st. The **Annual Meeting** of the ASSOCIATION will take place at the Arch Street Methodist Episcopal Church, (the marble church) corner Arch and Broad Streets, PHILADELPHIA, Wednesday, November 7th, at 10.30 A. M. and 2 P. M., and Thursday, the 8th, at 10 A. M.

The **Reception of Officers and Delegates** will be at the residence of MRS. MATTHEW SIMPSON, 1334 Arch Street, Tuesday November 6th, from 8 to 10 P. M.

The **Mass Meeting** will be at ASSOCIATION HALL, corner Fifteenth and Chestnut Streets, Wednesday, November 7th, at 8 P. M.

All Auxiliaries and their Branches, are earnestly requested at once to elect Delegates to the Annual Meetings, and to send the full address of these, at the earliest possible moment, to the Corresponding Secretary, Miss H. R. Foote, 2105 Spruce Street, Philadelphia, in order that there may be time to assign places for the Delegates, and to put these in communication with their hostesses.

The General Officers of State, half-State, the Great-City and the District of Columbia Auxiliaries, are Delegates by virtue of office, and each such Auxiliary is also entitled to five other Delegates. All Branches of the above Auxiliaries are entitled to two Delegates each.

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